

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
067437-5002US02

In re Application of: Thomas J. MEADE

Application No. 10/789,840

Filed: February 27, 2004

For: *Magnetic Resonance Imaging Agents for the Delivery of Therapeutic Agents*

The owner\*, California Institute of Technology, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,713,046. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

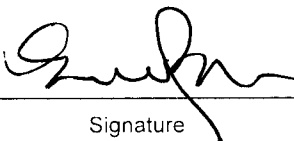
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1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

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2. ☒ The undersigned is an attorney of record.

☒ attorney or agent under 37 CFR 1.34.

  
\_\_\_\_\_  
Signature

Dec 10, 2004  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Edward J. Baba, Reg. No. 52,581  
for David J. Brezner, Reg. No. 24,774

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
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